

UNITED STATES DISTRICT COURT

Western

DISTRICT OF

North Carolina

UNITED STATES OF AMERICA

V.

Terence Howard Roach

Born 03/29/1985

FILED
ASHEVILLE, N. C.
JAN 23 2006
U.S. DISTRICT COURT
W. DIST. OF N. C.

CRIMINAL COMPLAINT

Case Number: 2:06 mj5

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 01/13/2006 in Swain County, in the Western District of North Carolina defendant(s) did,

(Track Statutory Language of Offense)

unlawfully, willfully, deliberately, maliciously, and with premeditation, kill Tamara Seay with malice aforethought, and such act was done within the special maritime and territorial jurisdiction of the United States.

in violation of Title 18 United States Code, Section(s) 1111.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

See attached affidavit

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Signature of Complainant

SA Christopher M. Lando, FBI

Printed Name of Complainant

Sworn to before me and signed in my presence,

01/23/2006

Date

at

Asheville, North Carolina

City and State

Dennis L. Howell, United States Magistrate Judge

Name and Title of Judge

Dennis L. Howell

Signature of Judge

Western District of North Carolina

Asheville, North Carolina

This Affiant, Christopher M. Lando, Special Agent, Federal Bureau of Investigation, being duly sworn, states the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Asheville Resident Agency, Charlotte Division, in Asheville, North Carolina. This affiant has been employed as a Special Agent of the FBI for the past three years and seven months. Prior to the FBI, I was employed as a police officer then sergeant with a northern Virginia police department for seven years.

2. I am presently investigating violations of Federal Laws, specifically, violations of Title 18, United States Code, Section 1111, Murder, within the special maritime and territorial jurisdiction of the United States.

3. As a result of personal participation in the investigative matters referred to in this affidavit, and based upon reports made to me by other law enforcement officers, I am familiar with the facts and circumstances of this investigation. On the basis of that familiarity, I state the following:

4. On Sunday, January 15, 2006, a church group from Florida discovered the body of a female victim lying in the woods off Toms Branch Road, just visible from the roadway, approximately 20 yards into the woods, and in the area of an unimproved pull-off for vehicles. The victim, lying clothed and on her back, had visible wounds to her face and head, and pooling of blood below her head. At autopsy, it was determined she had suffered from two gun shot wounds to her head. One shot was to the frontal area of her forehead, and another shot entered into the lower lip, passed through the roof of her mouth, and exited under her eye.

5. A photograph of the victim was displayed to a law enforcement officer of the Cherokee Indian Police Department, who identified the victim as Tamara Seay. Dental records were obtained and positive identification of the victim as Tamara Seay was made by the medical examiners office.

6. Tamara Seay was a seventeen year old female, and an enrolled member of the Eastern Band of Cherokee Indians who lived on the reservation.

7. Tamara Seay was last seen on the evening of Friday, January 13, 2006, at approximately 9:30 P.M. She had been in the residence of an identified and interviewed eighteen year old individual whose first name is Glen. Glen stated that Terenece Roach, who had been at the house earlier, returned in a car to pick up Tamara. The vehicle, a green Camero, was driven by the vehicle's owner and a friend of Roach's, Michael Slee. Glen described Tamara as being inebriated and passed out at the time she left the residence and had to be assisted into the car and

placed into the back seat of the vehicle. Roach, twenty years of age, and Slee, nineteen years of age, are both enrolled Indians and reside on the reservation.

8. In the days following the disappearance, then discovery of Tamara Seay, Roach and Slee told numerous people, including family members of the victim, that they had driven onto a gravel road and were met by a silver vehicle, possibly a Kia. According to Roach and Slee, Tamara was last seen getting into and leaving with this vehicle, operated by an unseen individual.

9. An identified person, turned over a .38 caliber Smith and Wesson revolver, black in color, to the police. Through interview and investigation, it was determined that Joseph Squirrel had turned the gun over to another individual for safekeeping, under circumstances suspicious to the individual who turned over the gun to authorities.

10. Joseph Squirrel, eighteen years of age, was interviewed and initially told the story of the silver car. Squirrel, who had been at Glen's house earlier in the evening, then admitted that he had seen Roach and Slee on Friday, January 13, 2006, at approximately 11:00 P.M., when they drove to his residence in the green Camero. Roach told Squirrel that he had shot Tamara in the Deep Creek area. Squirrel, in disbelief, asked Slee if Roach was telling the truth and Slee confirmed that Roach had shot her. Roach handed Squirrel a black Smith and Wesson revolver for safekeeping. Squirrel identified the weapon in police custody as the one he received from Roach following the admission to the shooting.

11. Michael Slee was interviewed and confirmed that he and Roach had picked Tamara up at Glen's residence as described above. Roach told Slee to head towards Bryson City and directed him through the Deep Creek Area and onto a gravel road he was unfamiliar with. They stopped at a pull-off and exited the vehicle, Roach having to carry Tamara Seay into the woods. Roach told Slee they were waiting for someone to deliver drugs.

12. Slee heard Tamara utter a sound and turned to see her falling onto her back, believing that Roach had pushed her down. He observed Roach fumbling around his waist and then as Tamara was beginning to lean forward to stand, he saw Roach shoot her with a handgun. He stated she instantly dropped onto her back and was out. As Slee was running to the car, he turned to see Roach walking towards Tamara, lying flat on her back, and point the gun at her again. He turned to get into the car, and heard a second shot. Roach then got into the car, and told Slee to head back to the reservation. They went to Squirrel's residence and Slee confirmed Roach had told Squirrel that he had shot Tamara on Deep Creek, and then gave Squirrel the gun. Slee identified the black Smith and Wesson in police custody as the gun used by Roach to shoot Tamara. In addition, Slee stated Roach had told him to tell others that after leaving Glen's house, Tamara had been picked up by someone in a silver car.

13. Terence Howard Roach, while not in custody, was interviewed by the authoring Agent and a Special Agent from the National Park Service. Although not in custody, Roach was advised of the nature of the interview and advised of his Miranda warnings via a standard Advice of Rights form. Following a waiver of his rights, Roach originally denied his involvement. Roach stated that after he and Slee picked up Tamara at the residence and in the manner

described above, they were met by a silver car on a dirt road and Tamara was last seen leaving with this vehicle. Roach, however, recanted his original statement and said "I did it." Roach immediately described that Tamara had been stealing drugs from him and owed him approximately \$5,500.00. He stated that on Thursday (January 12, 2006), Tamara had stolen an ounce of cocaine from him. He confronted Tamara who denied it, however through his sources he was positive it was her. Roach estimated that she had been stealing from him for approximately a year. Roach stated that although he does not routinely carry a gun, on that Friday night he had the gun because he was going to purchase drugs. Roach also said that earlier in the evening he had been with Tamara and others at the residence where he later returned to pick up Tamara, and that he had consensual sex with Tamara earlier in the evening.

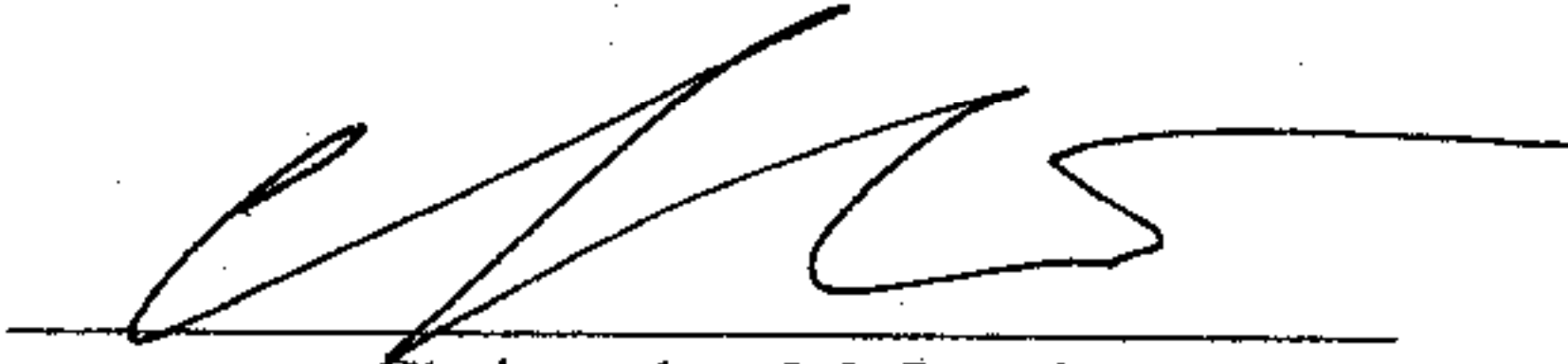
14. Roach stated he had met Slee and told him to pick up Tamara as described above. Tamara was passed out and did not talk on the drive to the Deep Creek area. Roach told Slee they were going to pick up some drugs and he would give Slee some gas money for driving. Upon reaching the pull-off, Roach carried Tamara out of the car and into the woods, having to carry her because of her inebriation. Roach stated that Tamara woke up in the woods and began to say that she would have some of the drugs when they arrived. Roach stated she would not get any and that Tamara then grabbed for him. After pushing her away, Tamara grabbed for him again. It was during this time that Roach stated he decided to kill her.

15. Roach pushed Tamara to the ground, with her falling and lying flat on her back. He encountered a problem with his gun as he tried to shoot her, describing that he had to open the wheel of the revolver, determine whether the wheel spun right or left, and line up a bullet so that when he closed the wheel of the revolver it would spin in the correct direction to fire. He stated he had only three or four bullets in the gun. Roach was approximately eight to ten feet from Tamara when he shot her the first time as she was beginning to stand. She fell backwards, flat onto her back, and he heard her moan. He decided to shoot her again and opened the wheel of the gun to load a good bullet from his pocket. He loaded the bullet into the wheel of the revolver and oriented the wheel so it would fire correctly. Roach shut the wheel of the revolver and fired the second shot into Tamara.

16. After shooting Tamara, Roach ran back to the green Camero and described taking out the two spent casings and reloading the gun. Roach recounted the remaining events as described above (returning to Squirrels house, telling him he shot Tamara, and giving the gun to Squirrel), adding that he threw the two spent casings out of the window on his way back to the reservation. The black .38 caliber Smith and Wesson revolver in police custody was positively identified by Roach as the weapon he used to kill Tamara.

17. The location where Roach shot and killed Tamara Seay is located on Toms Branch Road, approximately one half mile below the upper boundary of the Park. This area is within the boundaries of the Great Smoky Mountains National Park, a United States Department of the Interior National Park, and as such is described as a special maritime and territorial jurisdiction of the United States as defined in Title 18 United States Code Section 7. The location of the offense in the Park, as well as the events preceding and following the offense, as described above, are all located within the Western District of North Carolina.

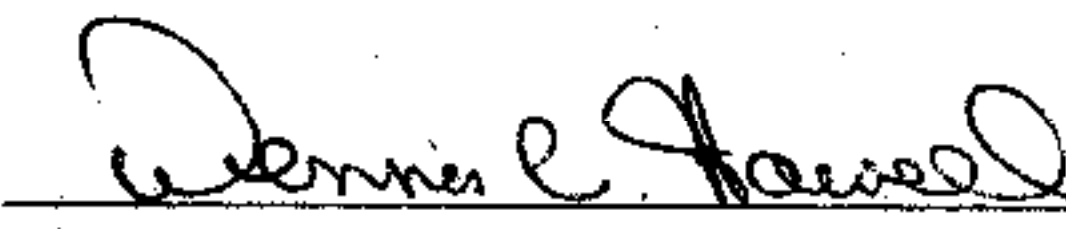
16. Based on the above information, the Affiant believes that, Terence Howard Roach, born March, 29, 1985, has committed a violation of Title 18, U. S. Code Section 1111, Murder within the special maritime and territorial jurisdiction of the United States.



Christopher M. Lando
Special Agent-FBI

Sworn to before me and subscribed in my presence,

January 23, 2006 at Asheville, North Carolina



Dennis L. Howell United States Magistrate Judge